

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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KAMAL KARNA ROY,

Plaintiff,

v.

USA,

Defendant.  
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No. 8:09-CV-403  
(GLS/DRH)

**APPEARANCES:**

KAMAL KARNA ROY  
Plaintiff Pro Se  
Post Office Box 1173  
14 Kiwassa Road  
Apt. 5G  
Saranac Lake, New York 12983

**DAVID R. HOMER  
U.S. MAGISTRATE JUDGE**

**REPORT-RECOMMENDATION and ORDER**

Plaintiff pro se Kamal Karna Roy ("Roy") commenced this action on April 6, 2009 under 42 U.S.C. § 1981 alleging violations of his civil rights. Docket No. 1. The complaint was incomprehensible. Id. In an order filed April 8, 2009, this Court directed Roy to file an amended complaint that fully complies with Fed. R. Civ. P. 8 and 10. Docket No. 3. On April 17, 2009, Roy filed an amended complaint that remained similarly incomprehensible. Docket No. 4. Accordingly, since this action cannot proceed in the absence of Roy's submission of a sufficient complaint, it is hereby

**RECOMMENDED** that Roy's complaint be **DISMISSED** in its entirety without prejudice pursuant to Fed. R. Civ. P. 16(f)(1)(C) and 37(b)(2)(A)(v) for Roy's failure to comply with the Court's April 8, 2009 order; and it is hereby


**ORDERED** that the Clerk serve Roy with a copy of this order by regular mail.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have ten days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court.

**FAILURE TO OBJECT TO THIS REPORT WITHIN TEN DAYS WILL PRECLUDE**

**APPELLATE REVIEW.** Roldan v. Racette, 984 F.2d 85 (2d Cir. 1993) (citing Small v. Secretary of HHS, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: April 29, 2009  
Albany, New York

  
United States Magistrate Judge